

Senate File 287 - Introduced

SENATE FILE 287

BY CHELGREN

A BILL FOR

1 An Act providing for the sale of unpasteurized or ungraded milk
2 to final consumers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 192.102, Code 2017, is amended to read
2 as follows:

3 **192.102 Grade "A" pasteurized milk ordinance.**

4 The department shall adopt rules incorporating or
5 incorporating by reference the federal publication entitled
6 "Grade 'A' Pasteurized Milk Ordinance". If the ordinance
7 specifies that compliance with a provision of the ordinance's
8 appendices is mandatory, the department shall also adopt
9 that provision. However, the department shall not adopt any
10 provision of the ordinance that is inconsistent with the
11 provisions of this chapter. The department shall not amend
12 the ordinance, unless the department explains each amendment
13 and reasons for the amendment in the Iowa administrative
14 bulletin when the rules are required to be published pursuant
15 to [chapter 17A](#). The department shall administer [this chapter](#)
16 consistent with the provisions of the ordinance as adopted by
17 the department.

18 Sec. 2. Section 192.103, Code 2017, is amended to read as
19 follows:

20 **192.103 Sale of grade "A" milk ~~to final consumer~~ —**
21 **unpasteurized and ungraded milk and milk products — impoundment**
22 **of adulterated or misbranded milk.**

23 1. a. Only grade "A" pasteurized milk and milk products
24 shall be sold to the final consumer, or to restaurants, soda
25 fountains, grocery stores, or similar establishments; except.
26 Only grade "A" pasteurized milk products shall be sold to the
27 final consumer, or to restaurants, soda fountains, grocery
28 stores, or similar establishments. However, in an emergency,
29 the sale of pasteurized milk and milk products which have
30 not been graded, or the grade of which is unknown, may be
31 authorized by the secretary, in which case, such milk or milk
32 products shall be labeled "ungraded".

33 b. Unpasteurized or ungraded milk may be sold to a final
34 consumer.

35 2. a. No A person shall within the state not produce,

1 provide, sell, offer, or expose for sale, or have in possession
 2 with intent to sell, any milk or milk product which is
 3 adulterated or misbranded, except, in an emergency, ~~the~~. In an
 4 emergency, the sale of pasteurized milk and milk products which
 5 have not been graded, or the grade of which is unknown, may be
 6 authorized by the secretary, in which case such milk or milk
 7 products shall be labeled "ungraded".

8 b. Any adulterated or misbranded milk or milk product
 9 may be impounded by the secretary or authorized municipal
 10 corporation and disposed of in accordance with applicable laws
 11 or regulations.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
 14 the explanation's substance by the members of the general assembly.

15 This bill provides that a person may sell unpasteurized
 16 or ungraded milk to the final consumer under Code chapter
 17 192. Currently, Code section 192.103 requires that only
 18 grade "A" pasteurized milk and milk products can be sold to
 19 final consumers, as well as to restaurants, soda fountains,
 20 grocery stores, or similar establishments, except in cases
 21 of an emergency in which a milk or milk product may be sold
 22 as ungraded if approved by the department of agriculture and
 23 land stewardship. Generally, the department regulates the
 24 production, processing, packaging, and sale of grade "A" milk
 25 and milk products under model legislation referred to as the
 26 pasteurized milk ordinance (PMO) which the department adopts
 27 by reference under Code section 192.102. Code section 192.103
 28 is based on section 9 of the PMO and the bill also amends Code
 29 section 192.102 to prohibit the department from adopting any
 30 provision of the PMO that is not consistent with the provisions
 31 of the Code chapter.